



## U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

January 8, 2024

**BY ECF**

The Honorable John P. Cronan  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: *United States v. Christopher Burgos, 22 Cr. 618 (JPC)***

Dear Judge Cronan:

The Government writes in response to the Court's Order dated January 5, 2024. ECF No. 119. The Government anticipates that at the plea hearing, currently scheduled for January 9, 2024, the defendant Christopher Burgos will plead guilty to the lesser-included offense of conspiring to distribute cocaine, in violation of 21 U.S.C. §§ 841(a), 841(b)(1)(C), and 846. Because that conviction is for "an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act," 18 U.S.C. § 3142(f)(1)(C), remand is mandatory after the defendant pleads guilty, 18 U.S.C. § 3143(a)(2). None of the exceptions to mandatory remand apply here. There is not a substantial likelihood that a motion for a new trial or acquittal would be granted, and the Government does not anticipate recommending a noncustodial sentence for the defendant. § 3143(a)(2)(A). Nor does the Government believe there are "exceptional reasons" for why detention would be inappropriate for this defendant such that the mandatory remand provision would not apply. 18 U.S.C. § 3145(c).

The parties should be prepared to address at the scheduled change-of-plea proceeding for Mr. Burgos whether conditions at the Metropolitan Detention Center constitute "exceptional reasons" under 18 U.S.C. § 3145(c) that justify his continued release pending sentencing, notwithstanding the mandatory remand provisions of 18 U.S.C. § 3143(a)(2). *See United States v. Chavez, 22 Cr. 303 (JMF), 2024 WL 50233 (S.D.N.Y. Jan. 4, 2024).*

SO ORDERED  
Date: January 8, 2024  
New York, New York

  
JOHN P. CRONAN  
United States District Judge

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: /s/  
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cc: James Froccaro, Jr., Esq. (by ECF)